

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of	)	
	)	For: <b>RAKE RECEIVER FOR</b>
Edward H. Teague	)	<b>TRACKING CLOSELY SPACED</b>
	)	<b>MULTIPATH</b>
	)	
Serial No. 10/086,574	)	
	)	
Filed: February 28, 2002	)	Group No. 2634

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Assistant Commissioner of Patents  
Alexandria, VA

Attention: PETITION TO REVIVE  
EXAMINER: **KEVIN KIM**

Dear Sir:

The following communication is submitted in response to the Notice of Abandonment sent by the Patent Office on November 15, 2006.

I hereby certify that this correspondence is being electronically filed with the Asst. Commissioner of Patents and Trademarks, Alexandria VA, on:

12/7/06

(Date of Deposit)

**Darla D. Kasmedo**

(Name of the Person Making Deposit)

/Darla Kasmedo/

(Signature)

12/7/06

(Date of Signature)

1. The following statements are made on information and belief:
  - a. On July 13, 2006, the Office mailed to Applicants a Notice of Allowance. Attached hereto as Exhibit "A."
  - b. On August 21, 2006, Applicants timely fax filed the completed Issue Fee Transmittal to the Office. A copy of said Request is attached hereto as Exhibit "B".
  - c. On November 15, 2006, the Office mailed a Notice of Abandonment for failure to timely pay CORRECT issue fee. Attached hereto as Exhibit "C."
2. The following statements are made of my own knowledge:
  - a. I am registered to practice before the Office, Reg. No. 37,383, and am the attorney assigned to this application.
  - b. Applicant successfully paid the issue fee in a timely manner and request that the abandonment be withdrawn and this application proceed to issue. On the Issue Fee Transmittal form, Applicant did not check the box instructing the Office to charge the appropriate Issue and Publication Fees to the Deposit Account. However, Applicant did check the appropriate box requesting that the Issue Fee and Publications Fees be paid.
  - c. In a Response to Office Action filed via Facsimile on June 29, 2006, Applicant authorized the Commissioner to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, **for the entire pendency of this application without specific additional authorization.** A copy of said transmittal is attached hereto as Exhibit "D."
3. In light of the previous authorization to charge said deposit account, the outstanding issue fee and publication fee should have been charged to Deposit Account Number 17-0026.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4. The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17. – 0026. The Commissioner is further hereby authorized to charge to said Deposit Account No. 17 – 0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

5. Applicants therefore respectfully petition that:
- a. the holding of abandonment be withdrawn; and
  - b. the application be granted.

Respectfully submitted,

Dated: 12/7/06

By: /Timothy F. Loomis/  
Timothy F. Loomis  
Attorney for Applicants  
Registration No. 37,383

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-1306  
Facsimile: (858) 658-2502